

SENATE BILL 1836  
By Cooper

AN ACT to amend Tennessee Code Annotated, Title 39 and Title 40, relative to drug offenders.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-17-418, is amended by adding the following new subsection:

(g) For violations of subsection (a) occurring on or after July 1, 1997, the following shall apply:

(1) Felonious possession of Schedule V, VI, VII controlled substance

(A) 1st Offense - Class A Misdemeanor, minimum seven hundred fifty dollar (\$750) fine, shall be confined not less than forty-eight (48) hours in jail.

(B) 2nd Offense - Class A Misdemeanor, minimum one thousand dollar (\$1,000) fine, shall be confined not less than forty-five (45) days in jail.

(C) 3rd Offense - Class E Felony, minimum two thousand five hundred dollar (\$2,500) fine, shall be confined not less than one hundred twenty (120) days in jail.

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(D) 4th Offense - Class D Felony, Range II Offender, ten thousand dollar (\$10,000) to fifty thousand dollar (\$50,000) fine, shall be confined not less than eighteen (18) months.

(2) Felonious possession of Schedule III, IV controlled substance

(A) 1st Offense - Class A Misdemeanor, fine one thousand dollars (\$1,000) to two thousand five hundred dollars (\$2,500), shall be confined not less than ten (10) days in jail.

(B) 2nd Offense - Class A Misdemeanor, fine two thousand five hundred dollars (\$2,500) to five thousand dollars (\$5,000), shall be confined not less than sixty (60) days in jail.

(C) 3rd Offense - Class E Felony, fine five thousand dollars (\$5,000) to ten thousand dollars (\$10,000), shall be confined not less than six (6) months.

(D) 4th Offense - Class D Felony, Range II, fine ten thousand dollars (\$10,000) to fifteen thousand dollars (\$15,000), shall be confined not less than one (1) year.

(E) 5th Offense - Class D Felony, Range II, fine fifteen thousand dollars (\$15,000) to fifty thousand dollars (\$50,000), shall be confined not less than two (2) years.

(3) Felonious possession of Schedules I, II controlled substance

(A) 1st Offense - Class A Misdemeanor, fine one thousand five hundred dollars (\$1,500) to two thousand five hundred dollars (\$2,500), shall be confined not less than thirty (30) days in jail.

(B) 2nd Offense - Class E Felony, fine two thousand five hundred dollars (\$2,500) to five thousand dollars (\$5,000), shall be confined not less than one hundred twenty (120) days in jail.

(C) 3rd Offense - Class D Felony, fine five thousand dollars (\$5000) to ten thousand dollars (\$10,000), shall be confined not less than one (1) year.

(D) 4th Offense - Class D Felony, Range II, fine ten thousand dollars (\$10,000) to fifteen thousand dollars (\$15,000), shall be confined not less than two (2) years.

(E) 5th Offense - Class C Felony, Range III, fine twenty-five thousand dollars (\$25,000) minimum, shall be confined not less than three (3) years.

SECTION 2. Tennessee Code Annotated, Section 39-17-417, is amended by adding the following new subsection:

(m) For violations of subsection (a) occurring on or after July 1, 1997, the following shall apply:

(1) Felonious possession of less than point five (.5) grams of Schedule I, II controlled substance

(A) 1st Offense - Class C Felony, fine six thousand dollars (\$6,000) to one hundred thousand dollars (\$100,000), shall be confined not less than one (1) year.

(B) 2nd Offense - Class B Felony, fine ten thousand dollars (\$10,000) to two hundred thousand dollars (\$200,000), shall be confined not less than two and one-half (2 1/2) years.

(C) 3rd Offense - Class B Felony, fine twenty thousand dollars (\$20,000) to two hundred thousand dollars (\$200,000), shall be confined not less than four and one-half (4 1/2) years.

(D) 4th Offense - Class B Felony, fine fifty thousand dollars (\$50,000) to two hundred thousand dollars (\$200,000), shall be confined not less than six ( 6) years.

(E) 5th Offense - Class A Felony, fine one hundred thousand dollars (\$100,000) to two hundred thousand dollars (\$200,000), shall be confined not less than twenty ( 20) years.

(2) Felonious possession of more than point five (.5) grams of Schedule I,

II controlled substance

(A) 1st Offense - Class B Felony, fine seven thousand five hundred dollars (\$7,500) to two hundred thousand dollars (\$200,000), shall be confined not less than two and one-half (2 1/2) years.

(B) 2nd Offense - Class B Felony, fine fifteen thousand dollars (\$15,000) to two hundred thousand dollars (\$200,000), shall be confined not less than four and one-half (4 1/2) years.

(C) 3rd Offense - Class B Felony, fine fifty thousand dollars (\$50,000) to two hundred thousand dollars (\$200,000), shall be confined not less than six (6) years.

(D) 4th Offense - Class A Felony, fine one hundred thousand dollars (\$100,000) to five hundred thousand dollars (\$500,000), shall be confined not less than ten (10) years.

(E) 5th Offense - Class A Felony, fine one hundred thousand dollars (\$100,000) to five hundred thousand dollars (\$500,000), shall be confined not less than twenty (20) years.

(2) Felonious possession of Schedule III, IV controlled substance

(A) 1st Offense - Class D Felony, fine five thousand dollars (\$5,000) to fifty thousand dollars (\$50,000), shall be confined not less than eight (8) months.

(B) 2nd Offense - Class D Felony, fine ten thousand dollars (\$10,000) to fifty thousand dollars (\$50,000), shall be confined not less than one (1) year.

(C) 3rd Offense - Class C Felony, fine fifteen thousand dollars (\$15,000) to one hundred thousand dollars (\$100,000), shall be confined not less than two and one-half (2 1/2) years.

(D) 4th Offense - Class C Felony, fine twenty-five thousand dollars (\$25,000) to one hundred thousand dollars (\$100,000), shall be confined not less than four (4) years.

(E) 5th Offense - Class B Felony, fine fifty thousand dollars (\$50,000) to one hundred thousand dollars (\$100,000), shall be confined not less than five (5) years.

(3) Felonious possession of Schedule V - VII controlled substance (point five (.5) of an ounce to ten pounds (10 lbs.) of Schedule VI controlled substance).

(A) 1st Offense - Class E Felony, fine two thousand five hundred dollars (\$2,500) to five thousand dollars (\$5,000), shall be confined not less than one hundred twenty (120) days.

(B) 2nd Offense - Class E Felony, fine five thousand dollars (\$5,000) to ten thousand dollars (\$10,000), shall be confined not less than six (6) months.

(C) 3rd Offense - Class D Felony, fine ten thousand dollars (\$10,000) to fifty thousand dollars (\$50,000), shall be confined not less than one and one-half (1 1/2) years.

(D) 4th Offense - Class D Felony, fine fifteen thousand dollars (\$15,000) to fifty thousand dollars (\$50,000), shall be confined not less than two ( 2) years.

(E) 5th Offense - Class C Felony, fine thirty thousand dollars \$30,000) to fifty thousand dollars (\$50,000), shall be confined not less than two and one-half (2 1/2) years.

(4) Felonious possession of Schedule VI controlled substance (ten pounds (10 lbs.) to seventy pounds (70 lbs.)).

(A) 1st Offense - Class D Felony, fine five thousand dollars (\$5,000) to fifty thousand dollars (\$50,000), shall be confined not less than eight ( 8) months.

(B) 2nd Offense - Class D Felony, fine ten thousand dollars (\$10,000) to fifty thousand dollars (\$50,000), shall be confined not less than one (1) year.

(C) 3rd Offense - Class C Felony, fine fifteen thousand dollars (\$15,000) to one hundred thousand dollars (\$100,000), shall be confined not less than two and one-half (2 1/2) years.

(D) 4th Offense - Class C Felony, fine twenty-five thousand dollars (\$25,000) to one hundred thousand dollars (\$100,000), shall be confined not less than four (4) years.

(E) 5th Offense - class B Felony, fine fifty thousand dollars (\$50,000) to one hundred thousand dollars (\$100,000), shall be confined not less than five (5) years.

(5) Felonious possession of Schedule VI controlled substance (seventy pounds (70 lbs.) or more).

(A) 1st Offense - Class B Felony, fine seven thousand five hundred dollars (\$7,500) to two hundred thousand dollars (\$200,000), shall be confined not less than two and one-half (2 1/2) years.

(B) 2nd Offense - Class B Felony, fine fifteen thousand dollars (\$15,000) to two hundred thousand dollars (\$200,000), shall be confined not less than four and one-half (4 1/2) years.

(C) 3rd Offense - Class B Felony, fine fifty thousand dollars (\$50,000) to two hundred thousand dollars (\$200,000), shall be confined not less than six (6) years.

(D) 4th Offense - Class A Felony, fine one hundred thousand dollars (\$100,000) to five hundred thousand dollars (\$500,000), shall be confined not less than ten (10) years.

(E) 5th Offense - Class A Felony, fine one hundred thousand dollars (\$100,000) to five hundred thousand dollars (\$500,000), shall be confined not less than twenty (20) years.

(6) Felonious possession of VI controlled substance (seven hundred pounds (700 lbs.) or more of Marijuana or one hundred fifty pounds (150 lbs.) of Hashish).

(A) 1st Offense - Class A Felony, fine fifteen thousand dollars (\$15,000) to five hundred thousand dollars (\$500,000), shall be confined not less than five (5) years.

(B) 2nd Offense - Class A Felony, fine fifty thousand dollars (\$50,000) to five hundred thousand dollars (\$500,000), shall be confined not less than seven (7) years.

(C) 3rd Offense - Class A Felony, fine fifty thousand dollars (\$50,000) to five hundred thousand dollars (\$500,000), shall be confined not less than twenty (20) years.

(D) 4th Offense - Class A Felony, fine one hundred thousand dollars (\$100,000) to five hundred thousand dollars (\$500,000), shall be confined not less than thirty-six (36) years.

SECTION 3. Tennessee Code Annotated, Section 39-17-417, is amended by adding the following new subsection:

( ) If a person convicted for a violation of this section had a firearm in his or her possession at the time of arrest, such person's sentence shall automatically be enhanced to the next level in sentencing.

SECTION 4. Tennessee Code Annotated, Section 39-17-418, is amended by adding the following new subsection:

( ) If a person convicted for a violation of this section had a firearm in his or her possession at the time of arrest, such person's sentence shall automatically be enhanced to the next level in sentencing.

SECTION 5. Tennessee Code Annotated, Section 39-17-1316(a)(1), is amended by adding between the word and punctuation "year," and the word "fugitive" the language "convicted of a drug offense,".

SECTION 6. Tennessee Code Annotated, Section 39-17-1351(b), is amended by adding the following new appropriately designated subdivision:

( ) Whether the applicant has ever been convicted of a drug offense.

SECTION 7. Tennessee Code Annotated, Section 39-17-1351(g)(1), is amended by deleting the language "felony" in front of the words "drug offense".



SECTION 8. Tennessee Code Annotated, Section 39-17-417(i)(5), is amended by deleting the language "Twenty-six (26)" and by substituting instead the language "Point five (.5)".

SECTION 9. This act shall take effect July 1, 1997, the public welfare requiring it.